

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of July 26, 2004. Claims 1, 3, 6-14 remain in this application and new claims 15-17 have been added. Claims 2, 4 and 5 have been canceled.

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Ashizawa (US 3,632,257). Claim 1 was amended to more particularly point out and distinctly claim the invention. Amended claim 1 recites a toroidal drying chamber 12 having a curved inner radius portion as is clearly shown in FIGURE 1 as filed. The curved inner radius portion has been labeled with reference numeral 15 in amended FIGURE 1. The specification has been amended in paragraph [24] to clearly and concisely reflect this as originally disclosed in FIGURE 1. Further, the exit path 26 is shown communicating with the curved inner radius portion 15 of the toroidal drying chamber 14 in originally filed FIGURE 1. The specification has been amended in the second line of paragraph [28] to accurately reflect this original disclosure and therefore no new matter has been added. Claim 1 was amended to recite "an exit path communicating with the drying chamber curved inner radius portion...".

Furthermore, claim 1 was amended to recite the exit path "directing an exiting stream of the drying gas out of the drying chamber for creating exiting forces (F_E) on the toner particles in the circulating flow..." Support for this amendment is found in paragraph [28] of the specification. Claim 1 was also amended to recite the exiting stream creating "exiting forces (F_E) on the toner particles in the circulating flow for moving dry toner particles from the drying chamber when $F_C < F_E$." Support for this amendment can be found in FIGURE 3 of the drawings, and in the specification in paragraphs [31] – [33]. No new matter has been added by any of the amendments to claim 1.

The '257 reference discloses an apparatus for making granules which is constructed very differently from the drying chamber claimed in claim 1 and does not teach or suggest the patentable features of claim 1 described above. For example, the device disclosed in the '257 reference has an exhaust pipe 16 extending from a conical section 17 of a vessel 2. Fused particles drop downward through the center of the vessel 2 and are removed through the pipe

16 when they are big enough to overcome the upward pressure of the pressurized gas jets. Accordingly, the '257 reference operates very differently than the invention by increasing the mass of particles in the vessel, rather than decreasing their mass as is done in the Applicant's drying chamber. Therefore, amended claim 1 is patentable over the '257 reference. Further, claims 3, 6-14 and new claims 15-17, depending from claim 1 are also patentable.

The Examiner rejected claims 7-14 under 35 U.S.C. 103(a) as being unpatentable over the '257 reference, stating that the specific values of pressure, velocity and/or temperature claimed were known in the art. However, the Examiner has not provided any support for this statement such as providing references indicating these values. Applicant asserts that none of the references teach drying particles having a glass transition point T_g as claimed in amended claim 1. The specific values of pressure, velocity and/or temperature claimed provide the specific advantage of drying toner particles which have predetermined a T_g while keeping these delicate particles from melting or fusing together thereby providing superior deagglomeration as disclosed in the specification on pages 9 – 11.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1, 3, 6-17) are now in condition for allowance.

No additional fee is believed to be required for this Amendment. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick D. Floyd, at Telephone Number (216) 861-5582.

Respectfully submitted,

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12/27/04
Date

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AMENDMENTS TO THE DRAWINGS:

The attached replacement sheets of drawings include changes to FIGURE 1 and FIGURE 4. These replacement sheets, which include one sheet for FIGURE 1 and one sheet for FIGURE 4, replace the original sheets including FIGURE 1 and FIGURE 4. In FIGURE 4, the reference number "50" was amended to remove the underlining of this reference number.

In FIGURE 1, the reference number "10" was amended to remove underlining. Also, in originally filed FIGURE 1, the drying chamber 14 was shown to be toroidal in shape having an inner radius portion. The inner radius portion has been labeled with the new reference number 15. In originally filed FIGURES 1-3, the exit path 26 is clearly shown communicating with the drying chamber inner radius portion consequently, no new matter has been added by this amendment.